



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/115,589	07/15/98	VAN EYK	J 12917

0242/0821

NOT ASSIGNED

DOWELL & DOWELL  
2001 JEFFERSON DAVIS HWY  
SUITE 705  
ARLINGTON VA 22202

3737

DATE MAILED: 08/21/98

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☐ non-small entity is \$ 1706.00.

☒ 1. The statutory basic filing fee is:

- ☐ missing.  
☐ insufficient.

Applicant must submit \$ 790.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. Additional claim fees of \$ 786.00, including any multiple dependent claim fees, are required.

\$ 82.00 for 1 independent claims over 3.

\$ 704.00 for 32 dependent claims over 20.

\$ 0 for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☐ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

09/25/1998 MAILING 00000042 170110 09115589

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

01 FC:205 A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

02 FC:206 A \$50.00 processing fee is required since your check was returned without payment.

03 FC:206 Your filing receipt was mailed in error because your check was returned without payment.

04 FC:206 ☐ 6. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

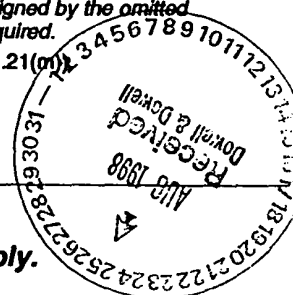
☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

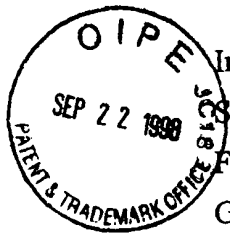
*Ruth Sydnor*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Section 7  
#3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



In re application of: Jennifer E. VAN EYK, *et al.*  
Serial Number: 09/115,589  
Filed: July 15, 1998  
Group Art Unit: 3737  
Title: Methods of Diagnosing Muscle Damage  
Agent Ref. No.: 1997-023-02US

September 17, 1998

The Commissioner of Patents and Trademarks  
Washington, D.C.  
20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION and  
CHANGE OF AGENT AND CORRESPONDENCE ADDRESS**

Dear Sir,

In response to the Notice to File Missing Parts of Application dated August 21, 1998, Applicants enclose the following documents:

- 1) An original Declaration/Power of Attorney executed by the three inventors; and
- 2) Copy of Notice to File Missing Parts of Application.

Please note that the enclosed Declaration sets forth a different agent and correspondence address than the transmittal letter filed with the application. Accordingly, all future correspondence should be addressed to the undersigned agent of record at the address given below.

Please also note that an original Verified Statement Claiming Small Entity Status as a Non-Profit

Organization, executed on behalf of the Assignee, Queen's University at Kingston, and three original Verified Statements Claiming Small Entity Status as an Independent Inventor, executed by the three inventors, were filed when the instant application was filed. It is therefore believed that Applicants qualify for small entity status. Accordingly, please deduct the outstanding fees totalling **\$853.00** (Surcharge under 37CFR 1.16(e) of \$65.00 plus Basic Filing Fee of \$395.00 plus Additional Claims Fees of \$393.00) from our deposit account No. 17-0110. This sheet is being submitted in duplicate.

Any questions concerning this application should be direct to Carol Miernicki Steeg (Reg. No. 39,539) or trainee Stephen Scribner at 613-545-2342.

Respectfully submitted,

A handwritten signature in cursive script, reading "Carol Miernicki Steeg". The signature is written in dark ink and is positioned above the printed name and registration number.

Carol Miernicki Steeg  
Reg. No. 39,539

PARTEQ R&D Innovations  
Queen's University  
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Canada K7L 3N6  
613-545-2342